IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION. 82 OF 2006

Sukhdev B Karande & ors.... Applicants

versus

The State of Maharashtra & ors. ... Respondents.

Ms. Revati P. Mohite-Dere for the appellant.

Shri R.Y. Mirza APP for State.

CORAM; V.M. KANADE, J.

DATED; JANUARY 27, 2006.

P.C:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. The applicants were arrested in connection with the offences registered with Manchar Police Station for offences pubnishable under section 302, 147, 148, 323, 324, 335, 452, 427, 342 of the Indian Penal Code. The applicants were arrested on 9-11-2005. The charge sheet has not been filed so far.

3. The prosecution case is that the applicants along with others came in a tempo to avenge the death of

Anjanabai who had allegedly committed suicide and started assaulting the members of the complainant's family with sticks, stones and iron bars, as a result of which one Narmada died and others were injured. With the assistance of the learned counsel appearing on behalf of the applicants and the learned APP for the State, I have perused the injury certificate of the witnesses who were injured, as also the post martum notes of the deceased. It appears that in the post martum note, the doctor has not given the cause of death and he has reserved his opinion and has sent the same for chemical analysis. In the post martum note it appears that the only injuries which were found on the person of the deceased were two abrasions, one below knee or and the other below the ankle and two abrasions on the arm. So far as the other injured persons are concerned, their injuries are also simple injuries, except the injuries which was found on one person. It also appears that the complaint is lodged by the present applicants in respect of death of their relative Anjanabai who had died a couple of days before the incident in a suspicious manner and no complaint was recorded by the police, of homicidal death. In this background, in my view, the applicants are entitled to be released on bail.

4. The applicants be released on bail in the sum of

Rs. 5000/- each with one or two sureties in the like amount.

5. The applicants however, shall not enter then juurisdiction of Manchar police station. They shall also give their fresh address to the Supdt. of Police and shall report the nearest police station from their new residence once in a week till the charge sheet is filed and thereafter twice in a month at Manchar police station.

6. The application is disposed of in the above terms.

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